

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

RALPH MILLER,

No. C 02-2118 MJJ (MEJ)

Plaintiff(s),

vs.

**ORDER SCHEDULING HEARING  
RE: DEFENDANT'S MOTION TO  
DISMISS FOR DISCOVERY  
VIOLATIONS**

INTERNATIONAL BUSINESS MACHINES,

Defendant(s).

Before the Court is defendant International Business Machine's ("IBM") motion to dismiss for repeated and willful failures to comply with the Court's discovery orders. Doc. #542. However, IBM failed to notice its motion for a hearing date. Pursuant to Civil Local Rule 7-2(a), all motions must be noticed for hearing not less than 35 days after service of the motion. Accordingly, the earliest date on which the hearing may occur is June 29, 2006. As the undersigned is unavailable on June 29, July 6, and July 13, 2006, the Court hereby schedules the hearing on July 20, 2006 at 10:00 a.m. in Courtroom B, 15th Floor, 450 Golden Gate Avenue, San Francisco, California. Plaintiff Ralph Miller shall file any opposition by June 29 and IBM shall file any reply by July 6.

**IT IS SO ORDERED.**

Dated: May 22, 2006

  
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MARIA ELENA JAMES  
United States Magistrate Judge